

EXHIBIT 3

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Sep 28, 2018

VIA U.S. CERTIFIED MAIL

Michael N. Thomas, President
Thomas Tours, Inc.
763 Carl Ave.
New Kensington, PA 15068-4685

RE: Copyright Infringement Settlement Demand
Steve Markos d/b/a National Park Planner v. Thomas Tours, Inc.

Dear Mr. Thomas,

I am an attorney representing Steve Markos ("Mr. Markos") in the above-referenced legal matter. You have infringed Mr. Markos's copyright protected and registered photograph without his authorization and are in continuous violation. This letter serves as a settlement demand for financial compensation to Mr. Markos for the unauthorized use of his protected photograph. This is not a cease and desist or takedown demand.

Mr. Markos is a professional photographer and owner of the website National Park Planner (www.npplan.com) who regularly takes photographs at national parks from across the country which he uses to supplement and provide context to his written descriptions and accounts of these parks on his website. Further, the aesthetics of the photographs drive traffic to his website, and as is common with professional photography, Mr. Markos then licenses his photographs for a fee to individuals and businesses which comprise a significant portion of his personal income. Mr. Markos has expended substantial sums of time, money, and resources on travel, research, preparation, and ultimately capturing and producing these photographs and must rightly be compensated for their usage. His photographs are highly marketable and have a great value to him personally as well to those who have responsibly licensed them.

On your webpage, <http://www.thomastours.com/flight93.html>, you include a photo depicting of the Flight 93 Memorial in Shanksville, PA. This image is known to Mr. Markos and registered as Flight-93-15¹ (the "Photo"). You wrongfully appropriated the Photo from his website without paying his licensing fee. You then published the Photo without authorization from Mr. Markos on your webpage for public viewing and for commercial purposes, and the Photo remains on your website to this present day. U.S. copyright law prohibits the unauthorized use of protected works. *See* 17 U.S.C. §§ 101, 106 & 501. Mr. Markos at no time licensed or authorized you, your agents, or employees to use the Photo for any purpose whatsoever. Though registration is not required to protect a work from infringement, the Photo is registered with the United States Copyright Office which may increase your exposure for the unauthorized usage.

¹ U.S. Copyright Office Registration Number VA 2-022-996 (*see* enclosed).

Mr. Markos attempted to resolve this matter with you amicably and under very reasonable terms without involving legal counsel by sending you a letter.² Despite Mr. Markos' reasonable attempt, you have knowingly and willfully refused to pay his modest licensing fee. You have further refused to even take down the protected Photo evidencing your stubborn unwillingness to reasonably compensate him or to even cease your wrongdoing. Moreover, your willfulness to use a copyright protected work is further demonstrated by your publication cropping out Mr. Markos' Copyright mark.

You have potentially exposed yourself to substantial damages permitted by law. The infringer of a valid U.S. copyright may be liable for the greater of the copyright-holder's actual damages or statutory damages which range from \$750.00 to \$30,000.00. 17 U.S.C. § 504. Willful violations may be subject to \$150,000.00 in statutory damages. *Id.* Moreover, the court in its discretion may hold the infringer liable for the copyright-holder's court costs and attorneys' fees. 17 U.S.C. § 505.

It further appears by your cropping out Mr. Markos' Copyright mark that you have intentionally removed or altered copyright management information in order to induce, enable, facilitate, or conceal your infringement upon Mr. Markos' protected work. *See* 17 U.S.C. § 1202(b) & (c). A person found to have violated Section 1202 is additionally liable for actual damages or statutory damages which range from \$2,500.00 to \$25,000.00.

Your refusal to respond to Mr. Markos directly and pay his modest licensing fee has forced him to obtain counsel. Despite the foregoing, it is still my client's desire to resolve things amicably. However, due to the retention of counsel, prior offers to settle the matter are hereby rescinded. At this time, my client has authorized me to settle in-full without litigation for \$2,500.00. In light of the willful nature of your violation and your potential exposure for damages, this is both fair and reasonable. The offer remains open for a period of thirty (30) days from the date of this letter. You may accept this offer by remitting payment to our office at the address above. Checks shall be made payable to "Skaar & Feagle, LLP in Trust." If you fail to timely accept or otherwise respond, we reserve the right to pursue all available remedies under the law. Govern yourself accordingly.

Please direct all inquiries to my office at the contact information above. Thank you for your prompt attention to this matter.

Sincerely,



Cliff R. Dorsen

Enc.

² A copy of which is enclosed herewith.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayton

Acting United States Register of Copyrights and Director

Registration Number

VA 2-022-996

Effective Date of Registration:

November 02, 2016

Title

Title of Work: Group Registration Photos, National Park Planner, published February 7, 2014, to December 6, 2014, 2538 photos

Content Title: Russell-Cave-01 to Russell-Cave-07, February 7, 2014; Russell-Cave-09 to Russell-Cave-18, February 7, 2014; Russell-Cave-20, February 7, 2014; Russell-Cave-22 to Russell-Cave-23, February 7, 2014

Matanzas-01 to Matanzas-21, February 11, 2014

Marcos-01 to Marcos-24, February 12, 2014

Kennesaw-001 to Kennesaw-028, February 14, 2014; Kennesaw-030 to Kennesaw-035, February 14, 2014; Kennesaw-037 to Kennesaw-064, February 14, 2014

Ninety-Six-01 to Ninety-Six-09, February 20, 2014; Ninety-Six-11 to Ninety-Six-20, February 20, 2014; Ninety-Six-22, February 20, 2014; Ninety-Six-23, February 20, 2014; Ninety-Six-26 to Ninety-Six-44, February 20, 2014

Chickamauga-Auto-001 to Chickamauga-Auto-031, February 23, 2014

Chickamauga-Bike-01 to Chickamauga-Bike-04, February 23, 2014

Chickamauga-Bragg-01 to Chickamauga-Bragg-12, February 23, 2014; Chickamauga-Bragg-14 to Chickamauga-Bragg-21, February 23, 2014; Chickamauga-Bragg-23, February 23, 2014

Chickamauga-Cemetery-01 to Chickamauga-Cemetery-14, February 23, 2014

Chickamauga-Confederate-01 to Chickamauga-Confederate-07, February 23, 2014; Chickamauga-Confederate-09 to Chickamauga-Confederate-20, February 23, 2014; Chickamauga-Confederate-23, February 23, 2014; Chickamauga-Confederate-27 to Chickamauga-Confederate-32, February 23, 2014

Chickamauga-Hybrid-01 to Chickamauga-Hybrid-14, February 23, 2014; Chickamauga-Hybrid-16, February 23, 2014; Chickamauga-Hybrid-18 to Chickamauga-Hybrid-20, February 23, 2014; Chickamauga-Hybrid-25 to Chickamauga-Hybrid-40, February 23, 2014; Chickamauga-Hybrid-42, February 23, 2014; Chickamauga-Hybrid-43, February 23, 2014; Chickamauga-Hybrid-45 to Chickamauga-Hybrid-51, February 23, 2014

Chickamauga-VC-001 to Chickamauga-VC-013, February 23, 2014

Chickamauga-Picnic-01 to Chickamauga-Picnic-04, February 23, 2014

Chattanooga-001 to Chattanooga-007, February 23, 2014; Chattanooga-009 to Chattanooga-042, February 23, 2014; Chattanooga-044, February 23, 2014; Chattanooga-046 to Chattanooga-054, February 23, 2014; Chattanooga-056 to Chattanooga-106, February 23, 2014; Chattanooga-109 to Chattanooga-111, February 23, 2014; Chattanooga-113, February 23, 2014; Chattanooga-114, February 23, 2014; Chattanooga-118 to Chattanooga-142, February 23, 2014; Chattanooga-144 to Chattanooga-155, February 23, 2014

Lookout Mountain Panorama, February 23, 2014

Monuments-52 to Monuments-70, February, 23, 2014

Ocmulgee-01 to Ocmulgee-45, February 26, 2014; Ocmulgee-49, February 26, 2014; Ocmulgee-50, February 26, 2014

Ocmulgee-51 to Ocmulgee-60, March 8, 2014

Little_River-001 to Little_River-020, March 3, 2014; Little_River-022 to Little_River-025, March 3, 2014; Little_River-027 to Little_River-030, March 3, 2014; Little_River-032 to Little_River-077, March 3, 2014; Little_River-079 to Little_River-118, March 3, 2014

Billy Beer, March 5, 2014

Carter-01 to Carter-39, March 5, 2014; Carter-41 to Carter-45, March 5, 2014; Carter-47, March 5, 2014

Colonel_Scott-02 to Colonel_Scott-05, March 5, 2014

Me-and-Jimmy, March 5, 2014

Me-and-JimmyBanner, March 5, 2014

Andersonville-01 to Andersonville-58, March 13, 2014

Chattahoochee-001 to Chattahoochee-016, May 6, 2014; Chattahoochee-018 to Chattahoochee-069, May 6, 2014; Chattahoochee-071 to Chattahoochee-078, May 6, 2014; Chattahoochee-080 to Chattahoochee-092, May 6, 2014; Chattahoochee-094 to Chattahoochee-100, May 6, 2014; Chattahoochee-102 to Chattahoochee-174, May 6, 2014; Chattahoochee-176 to Chattahoochee-194, May 6, 2014; Chattahoochee-196 to Chattahoochee-209, May 6, 2014; Chattahoochee-211 to Chattahoochee-266, May 6, 2014; Chattahoochee-269 to Chattahoochee-357, May 6, 2014

Settles Bridge fishing, May 6, 2014

Settles Bridge, May 6, 2014

Fort-Sumter-01 to Fort-Sumter-38, May 27, 2014; Fort-Sumter-41 to Fort-Sumter-50, May 27, 2014; Fort-Sumter-53, May 27, 2014; Fort-Sumter-54, May 27, 2014

Guilford-01 to Guilford-21, June 7, 2014; Guilford-23 to Guilford-63, June 7, 2014

Pinckney-01 to Pinckney-04, June 11, 2014; Pinckney-06 to Pinckney-10, June 11, 2014; Pinckney-12 to Pinckney-17, June 11, 2014

Kings-Mountain-01 to Kings-Mountain-07, June 18, 2014; Kings-Mountain-09



to Kings-Mountain-20, June 18, 2014; Kings-Mountain-22 to Kings-Mountain-31, June 18, 2014

Cowpens-01 to Cowpens-17, June 19, 2014; Cowpens-19 to Cowpens-25, June 19, 2014; Cowpens-27 to Cowpens-33, June 19, 2014

Overmountain-001 to Overmountain-038, July 3, 2014; Overmountain-040, July 3, 2014; Overmountain-042 to Overmountain-076, July 3, 2014; Overmountain-078 to Overmountain-095, July 3, 2014; Overmountain-097 to Overmountain-129, July 3, 2014

Sandburg-01 to Sandburg-43, July 6, 2014

Wright-Bros-01 to Wright-Bros-08, July 7, 2014; Wright-Bros-10 to Wright-Bros-42, July 7, 2014; Wright-Bros-42 to Wright-Bros-46 July 7, 2014

Fort Ralieggh-01 to Fort Ralieggh-05, July 10, 2014; Fort Ralieggh-07 to Fort Ralieggh-13, July 10, 2014; Fort Ralieggh-15, July 10, 2014; Fort Ralieggh-17 to Fort Ralieggh-19, July 10, 2014; Fort Ralieggh-21, July 10, 2014; Fort Ralieggh-22, July 10, 2014

Moore-Creek-01 to Moore-Creek-28, July 13, 2014; Moore-Creek-30 to Moore-Creek-34, July 13, 2014

Hatteras-001 to Hatteras-013, July 22, 2014; Hatteras-015 to Hatteras-167, July 22, 2014

Tuskegee-Institute-01 to Tuskegee-Institute-41, August 7, 2014

Tuskegee-Airmen-01 to Tuskegee-Airmen-04, August 9, 2014; Tuskegee-Airmen-06, August 9, 2014; Tuskegee-Airmen-08 to Tuskegee-Airmen-21, August 9, 2014; Tuskegee-Airmen-23, August 9, 2014; Tuskegee-Airmen-27, August 9, 2014; Tuskegee-Airmen-30 to Tuskegee-Airmen-37, August 9, 2014

Selma-01 to Selma-04, August 10, 2014; Selma-06, August 10, 2014; Selma-08 to Selma-29, August 10, 2014; Selma-31 to Selma-35, August 10, 2014; Selma-38 to Selma-40, August 10, 2014

Horseshoe-Bend-01 to Horseshoe-Bend-23, August 12, 2014; Horseshoe-Bend-25 to Horseshoe-Bend-30, August 12, 2014

Cape-Lookout-001 to Cape-Lookout-011, September 10, 2014; Cape-Lookout-013 to Cape-Lookout-050, September 10, 2014; Cape-Lookout-054, September 10, 2014; Cape-Lookout-055, September 10, 2014; Cape-Lookout-057 to Cape-Lookout-061, September 10, 2014; Cape-Lookout-063 to Cape-Lookout-105, September 10, 2014; Cape-Lookout-107 to Cape-Lookout-178, September 10, 2014

Fort-Monroe-01 to Fort-Monroe-07, September 15, 2014; Fort-Monroe-09 to Fort-Monroe-15, September 15, 2014; Fort-Monroe-17 to Fort-Monroe-46, September 15, 2014; Fort-Monroe-40 (1), September 15, 2014

Assateague-001 to Assateague-013, September 23, 2014; Assateague-015 to Assateague-112, September 23, 2014

Allegheny-Portage-RR-01 to Allegheny-Portage-RR-05, October 5, 2014; Allegheny-Portage-RR-07 to Allegheny-Portage-RR-12, October 5, 2014; Allegheny-Portage-RR-14 to Allegheny-Portage-RR-69, October 5, 2014; Allegheny-Portage-RR-72, October 5, 2014

Johnstown-Flood-03 to Johnstown-Flood-07, October 14, 2014; Johnstown-Flood-09 to Johnstown-Flood-14, October 14, 2014; Johnstown-Flood-16 to Johnstown-Flood-24, October 14, 2014; Johnstown-Flood-26 to Johnstown-Flood-37, October 14, 2014

Flight-93-01, November 2, 2014; Flight-93-02, November 2, 2014; Flight-93-04 to Flight-93-15, November 2, 2014

Natchez-Historical-Park-01 to Natchez-Historical-Park-30, November 7, 2014

Vicksburg-001 to Vicksburg-048, November 25, 2014; Vicksburg-050 to Vicksburg-065, November 25, 2014; Vicksburg-067 to Vicksburg-081, November 25, 2014; Vicksburg-083 to Vicksburg-130, November 25, 2014; Vicksburg-132 to Vicksburg-144, November 25, 2014

Tupelo-01 to Tupelo-05, November 28, 2014; Tupelo-07, November 28, 2014; Tupelo-08, November 28, 2014

Brices-Crossroads-01, December 6, 2014; Brices-Crossroads-02, December 6, 2014; Brices-Crossroads-04, December 6, 2014; Brices-Crossroads-06 to Brices-Crossroads-17, December 6, 2014; Brices-Crossroads-19 to Brices-Crossroads-21, December 6, 2014; Brices-Crossroads-23 to Brices-Crossroads-27, December 6, 2014

Church_Ruin01 to Church-Ruin03, March 3, 2014

Lincoln-Highway-1 to Lincoln-Highway-4, September 23, 2014

SCPA-Altoona, September 18, 2014

SCPA, September 18, 2014

SDE, September 18, 2014

Selma-01 to Selma-04, August 7, 2014

Wallace-NC-01, September 1, 2014;
Wallace-NC-02, September 1, 2014

Spann_Cemetery-01 to Spann_Cemetery-10, February 8, 2014

Tombstones-00 to Tombstones-03, February 8, 2014

AT-GA-01 to AT-GA-10, February 10, 2014

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Author

• Author: Steven LaMont Markos
Author Created: photograph
Work made for hire: No

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